

**JEFFREY HUNTER and MARGO
HUNTER**

Plaintiffs,

V.
LIBERTY INSURANCE
CORPORATION,

Defendant.

Case No.

JURY DEMAND

NOTICE OF REMOVAL

Defendant Liberty Insurance Corporation, incorrectly named in the Complaint, Liberty Mutual Insurance Company, (“Liberty”), by its undersigned counsel and pursuant to 28 U.S.C. § 1332, 1441 and 1446, files this Notice of Removal from the Chancery Court of Davidson County, Tennessee to the United States District Court Middle District of Tennessee, Nashville Division. In support of this Notice of Removal, Liberty states as follows:

1. On or about February 10, 2015, Jeffrey Hunter and Margo Hunter (“Plaintiffs”) filed a Complaint asserting breach of contract. (Complaint, at ¶ 1, 3, and 4) (hereafter “Complaint”).
2. On or about March 18, 2015, Plaintiffs, through counsel, issued a Summons for the Complaint, which was served upon Liberty on April 9, 2015. (*See generally Notice of Service of Process and Summons.*)
3. In compliance with 28 U.S.C. § 1446(a), a copy of all “process, pleadings, and orders” received by Liberty are attached as **Exhibit 1**.
4. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides in pertinent part that “any civil action brought in a State court of which the district courts of the

United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

5. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1441(a). Liberty seeks to remove this case to the Middle District of Tennessee. The Chancery Court of Davidson County, Tennessee is located within this district and cases arising from Davidson County are properly assigned to the Nashville Division of the Middle District of Tennessee.

6. This Court has original jurisdiction over this action under 28 U.S.C. § 1332, which provides: “the District Court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between – (1) citizens in different states . . .”

7. Pursuant to 28 U.S.C. § 1441(b), “[a]ny other such actions shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”

8. Plaintiffs are a citizens and residents of Davidson County, Tennessee.

9. Liberty is company organized under the laws of the State of Illinois and a citizen of Massachusetts, with its principal place of business at 175 Berkeley Street in Boston.

10. Accordingly, complete diversity of citizenship exists between the parties at interest to this dispute.

11. The amount in controversy requirement is also satisfied. In their Complaint, Plaintiffs allege damages in an amount exceeding \$357,056.48. (Complaint ¶ 34.) Therefore, the face of the Complaint establishes an amount in controversy in excess of \$75,000.00.

12. Liberty expressly reserves the right to state additional grounds for removal and to provide such additional evidence as may be required to support the grounds asserted in this Notice of Removal.

WHEREFORE, Liberty respectfully requests that the above-captioned action now pending in the Chancery Court for Davidson County, Tennessee be removed to the United States District Court for the Middle District of Tennessee, and that said United States District Court assume jurisdiction of this action and enter all such further and other orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Respectfully submitted,

s/ John R. Wingo

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*Counsel for Defendant, Liberty Insurance
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by Email and United States First Class Mail, postage prepaid, on this 5th day of May 2015, upon:

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